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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY CHARLES EILAND,  
Plaintiff,  
v.  
JOHN AND/OR JANE DOE, et al.,  
Defendant.

No. 2:18-cv-1042 MCE KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On June 5, 2018, plaintiff’s complaint was dismissed, and he was granted thirty days in which to file an amended complaint. Thirty days passed, and plaintiff did not file an amended complaint. On July 17, 2018, the undersigned recommended that this action be dismissed based on plaintiff’s failure to file an amended complaint.

On July 19, 2018, plaintiff filed an amended complaint, and on July 30, 2018, he filed objections. Plaintiff claims that because the thirty days are calculated using only weekdays, Mondays through Fridays, and also exclude federal holidays, his amended complaint was timely filed.

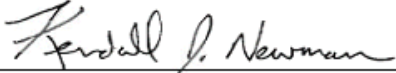
Plaintiff is advised that court deadlines are calculated on calendar days, not just weekdays. But federal holidays are not included. Thus, plaintiff’s amended complaint was due no later than July 6, 2018. A pro se prisoner filing is dated from the date prisoner delivers it to prison

1 authorities. Houston v. Lack, 487 U.S. 266, 275-76 (1988). Under this mailbox rule, plaintiff's  
2 amended complaint was filed on July 17, 2018, the date he submitted his filing to prison officials  
3 for mailing. (ECF No. 12 at 8.) Thus, plaintiff's amended complaint was untimely.

4 However, because plaintiff is proceeding pro se and apparently misunderstood how court  
5 deadlines are calculated, the findings and recommendations will be vacated, and the amended  
6 complaint will be screened by separate order. Nevertheless, plaintiff is cautioned to comply with  
7 all future court deadlines.

8 Accordingly, IT IS HEREBY ORDERED that the July 17, 2018 findings and  
9 recommendations (ECF No. 11) are vacated.

10 Dated: August 7, 2018

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13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

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